

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

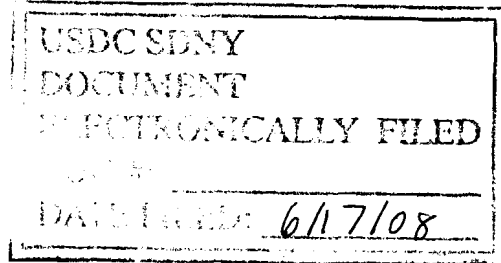
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HOWARD SMITH,

Plaintiff,

-against-

C.O. LAWELLIN, et al.,

Defendants.
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08 Civ. 473 (RMB)

ORDER OF DISCONTINUANCE

Based on Plaintiff's failure under Rule 4(m) to serve any Defendant, it is hereby

ORDERED, that the action be, and the same hereby is, discontinued; provided, however, that within thirty (30) days of the date of this Order, Plaintiff may apply by letter showing good cause why this action should be restored to the calendar.

SO ORDERED.

Dated: New York, New York
June 17, 2008

A handwritten signature in black ink, appearing to read "RMB".

RICHARD M. BERMAN, U.S.D.J.